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21171	7590	02/09/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			ALAUBAIDI, HAYTHIM J	
			ART UNIT	PAPER NUMBER
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DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/882,178

Applicant(s)

IKEDA ET AL.

Examiner

Haythim J. Alaubaidi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/882,178.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This communication is a Non-Final Office Action in response to the RCE amendment of December 17, 2004.
2. Claims 1-13 and 15-22, are presented for examination following the amendment of December 17, 2004 of which Claims 1, 7, 8, 11, 12, 13 and 15-19 are independent claims.
3. The Examiner acknowledges the Applicant's cancellation of Claim 14.
4. Claims 1, 7, 8 and 12, are rejected under 35 U.S.C. 112, first paragraph.
5. Claims 1, 7, 8, 12, 13 and 18, are rejected under 35 U.S.C. 112, second paragraph.
6. Claims 1-22, are rejected under 35 U.S.C. 101 as directed to a non-statutory subject matter.
7. Claim 11, is rejected under 35 U.S.C. 102(e) as being anticipated by Dahod.
8. Claims 12, 17 and 19-22, are rejected under 35 U.S.C. 102(e) as being anticipated by Fano.
9. Claims 15-16, are rejected under 35 U.S.C. 102(e) as being anticipated by Correia.
10. Claims 1-10, are rejected under 35 U.S.C. 103(a).
11. Claim 13, is rejected under 35 U.S.C. 103(a) as being unpatentable over Fano with an (Official Notice).
12. Claim 18, is rejected under 35 U.S.C. 103(a) as being unpatentable by Monde in view of Fano.

***Continued Examination Under 37 CFR 1.114***

13. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 17, 2004 has been entered.

***Priority***

a. Applicant's claim for foreign priority under 35 U.S.C. §119(a)–(d) is acknowledged and therefor accorded the benefit of the earlier filing date of June 19, 2000.

b. An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification or in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number. Please note that if the Applicant wishes to list a reference to an earlier filed Application in the Specification, then it must

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be in the first sentence of the Specification and not at the very end. Appropriate correction is required.

***Specification***

14. The disclosure is objected to because of the following informalities:
- a. On Page 14, Line 15, the word "hopping" should be corrected to "shopping".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

15. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

16. Claims 1, 7, 8 and 12, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the "proximal station name of a user" as written in the independent claims 1, 7, 8 and 12 was not disclosed by the Specification as in the claim language. The only mention in the Specification is for a "proximal station" which is found only on Page 5, Line 32 through Page 6, Line 4 that is referring to a range and not to a name of a user. It is unclear to the Examiner whether the proximal station is a

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name of a place, a destination location (as in the home address), or a range, as in the Specification of the Application (see Page 5, Line 32 through Page 6, Line 4).

17. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

18. Claims 1, 7, 8, 12, 13 and 18, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 1, 7, 8 and 12, the limitation "proximal station" is an open-ended limitation, which renders the claim indefinite. The Examiner is unclear to how proximal the distance is. The term proximal needs to be defined and specified, as proximal to one user may not be the same to another user. Appropriate correction is required.

Regarding Claim 13, the last limitation, specifically the phrase "so that" is confusing the Examiner. One ordinary skilled in the art is unable to determine whether this limitation is an example given by the Applicant or a fact. Appropriate correction is required.

Regarding claim 18:

a. The limitation “a nice day” is indefinite. The Examiner would like to bring the applicant attention to the fact that a nice day to one user may not be the same to another user.

b. In the Amendment filed December 17, 2004. the Applicant has stated “wherein information available on foot”, and this statement indicates that the invention is different from what is defined in the Specification, because according to the Specification of the current Application the information is not available on foot; the Examiner is confused as to the meaning of such a limitation; is the information really available on the foot of the user? Or is it information regarding reaching a destination walking on foot is available? Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

19. Claims 1-22, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological art. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological art fail to promote the “progress of science and the useful arts” (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a method claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

As to technological arts recited in the preamble, mere recitation in the preamble (i.e., intended or field of use) or mere implication of employing a machine or article of manufacture to perform some of the recited steps does not confer statutory subject matter to an otherwise abstract idea unless there is positive recitation in the claim as a whole to breathe life and meaning into the preamble. In Bowman (Ex parte Bowman, 61 USPQ2d 1665, 1671 (BD. Pat. App. & Inter. 2001) (Unpublished), the board affirmed the rejection under U.S.C. 101 as being directed to non-statutory subject matter. Although Bowman discloses transforming physical media into a chart and physically plotting a point on said chart, the Board held that the claimed invention is nothing more than an abstract idea, which is not tied to any technological art or environment.

In the present case, claims 1, 10, 16 and 21 all recites an abstract idea at the preamble; in addition, the steps in the claim body merely storing information about members in a database (which could be paper records of members being stored in a file



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cabinet or a room in a building) and searching for these information, which can be implemented by the mind of a person or by the use of a pencil and paper. In another words, since the claimed invention, as a whole, is not within the technological arts as explained above and/or lacks the useful, concrete, and tangible result, these claims only constitute an idea and does not apply, involve, use, or advance the technological arts, thus, it is deems to be directed to non-statutory subject matter.

Claims 2-6, that further limit independent Claim 1; Claims 9-10, that further limit independent Claim 8; Claims 21-22, that further limit independent Claim 17; and Claim 20, that further limit independent Claim 19, are also rejected as being dependent on a rejected base claims.

The Examiner provides the following summery to further clarify and to identify the 101 rejections to the claims above:

Claims 1 and 19, missing the technology arts, for example, (A computer network web site system including...) or ( An Internet web site system...);

Claim 7, missing the technology arts, for example, (An Internet center site including...);

Claim 8, missing the technology arts, for example, (An Internet service site accessible...);

Claims 11 and 15-16, missing the technology arts and the useful, concrete, and tangible result, for example, (A computerized method to search...); and

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Claims 12, 13, 17 and 18, missing the technology arts (A computerized method to search...).

***Claim Rejections - 35 USC § 102***

20. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

21. Claim 11, is rejected under 35 U.S.C. 102(e) as being anticipated by Shabbir M. Dahod (U.S. Patent No. 6,574,608 and Dahod hereinafter).

Regarding Claim 11, Dahod discloses providing information suitable for a service type by changing a search region (Col 5, Lines 51-56; see also Col 6, Lines 29-34).

22. Claims 12, 17 and 19-22, are rejected under 35 U.S.C. 102(e) as being anticipated by Andrew Fano (U.S. Patent No. 6,317,718 and Fano hereinafter).

Regarding Claim 12, Fano discloses:

registering a service region for each shop providing a service to an individual user (Col 47, Lines 23-38);

registering a home address<sup>1</sup>(Col 29, Lines 26-31; see also Col 30, Lines 24-39) and a proximal station<sup>2</sup> (Col 30, Lines 24-39) so as to retrieval information available in a predetermine range of the home address (Col 30, Lines 24-67, specifically Line 55 i.e. which contains the address for the location; and also Line 43-47, i.e. multiple personas; see also Col 32, Lines 45-50, i.e. within distance; see also Col 35, Lines 49-56, i.e. telling a user when a friend is going to be in the same vicinity...using a map...thus telling the user that someone is scheduled to be near him at a particular time; see also Col 35, Lines 15-20, local news; see also Figure No. 22, Element No. 2210, local news<sup>3</sup>)<sup>4</sup>; and

searching shops based on the service region, so that information related to one shop is not retrieved in said when the registered service region of the one shop, is out of a search region (Col 47, Lines 48-56).

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<sup>1</sup> Please note that the Examiner is interpreting this home address to be either the home resident address of the user or the current location of the user as of where he/she currently is.

<sup>2</sup> Please note that the Examiner is interpreting the proximal station as a range according to the specification of the current application (see page 5, Line 32 through Page 6, Line 4).

<sup>3</sup> Please note that the local news are being delivered base on the user profile information relating to his/her location (range).

<sup>4</sup> Please note that the claim language contains the "at least one" which allow the Examiner to select one of the two predetermined ranges; and even if the Applicant amended the claim to include both limitations, then the Examiner would like to bring the Applicant attention to the situation of Fano (Col 47, Lines 20-30, i.e. nearby stores; and see also 75-100 feet (range).

Regarding Claims 17, 21 and 22<sup>5</sup>, Fano discloses:

obtaining a current location of a user (Figure No. 27 and corresponding text, i.e. you are here);

move history (Col 40, Lines 4-7);

changing a search condition based on the move history (Col 40, Lines 4-7, i.e. history of the user interactions and current real-time situation including "who, where, and when"); and

determining the current location of the user is a place for the user to commute when the current location has not been changed for predetermined period (Figure No. 27 and corresponding text, i.e. you are here; see also Col 47, Lines 40-45, i.e. before leaving on a shopping trip).

Regarding Claim 19, Fano discloses a defining part defining a plurality of places as a single region; and (Col 47, Lines 21-22 and 24-25); and

a registering part registering said single region to said member information database (Col 47, Lines 48-56).

Regarding Claim 20, Fano discloses excluding certain places from a single region (Figure No. 27<sup>6</sup> and corresponding text; see also Col 49, Lines 10-35, specifically Line 10 and 25-27; see also, i.e. travel and restrict itself (exclude)).

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<sup>5</sup> Please note that both limitations of Claim 21 and 22, "change the search condition to search for daily life information" and "change the search condition to search for information corresponding to the current location" respectively are interpreted by the user to be the same and are broad enough to read on Fano's reference as a current location (Figure No. 27 and corresponding text, i.e. you are here).

23. Claims 15-16, are rejected under 35 U.S.C. 102(e) as being anticipated by John J. Correia (U.S. Patent No. 6,424,912 and Correia hereinafter).

Regarding Claim 15, Correia discloses providing information suitable for a moving direction of a user by changing a search condition based on the moving direction (figure 4 and corresponding text, see also Element 430, i.e. vehicle direction).

Regarding Claim 16, Correia discloses providing information suitable for a moved distance of a user by changing a search condition based on the moved distance figure 4 and corresponding text, see also Element 430, i.e. distance).

### ***Claim Rejections - 35 USC § 103***

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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<sup>6</sup> Please note that Fano does address the capability of the system in specifying certain places in a certain region, for example Figure 27, the user is able to specify a certain place of interest, for example "Lord and Taylor" in the region of the mall, by doing this, the user has excluded all of the other places in this region.

25. Claims 1-10, are rejected under 35 U.S.C. 103(a) as being unpatentable by Shabbir M. Dahod (U.S. Patent No. 6,574,608 and Dahod hereinafter) in view of Andrew Fano (U.S. Patent No. 6,317,718 and Fano hereinafter).

Regarding Claims 1 and 7, Dahod discloses,  
a member (buyer) information database managed in said center site (home page of Figure 4; see also the image copy of the website for [www.iwant.com](http://www.iwant.com), Figure No. 7) and storing member information (Figure 1 and corresponding text; see also Figure 4 and 5);

wherein: said member information database stores the member information obtained through said center site (figure 4 and 5 and corresponding text);

Dahod's reference discloses all of the claimed subject matter set forth above, except it does not explicitly indicate that the member information includes a home address and a proximal station when the member information is registered to a database; nor does the reference discloses the retrieval of information available in a predetermine range of the home address. However Fano discloses that the member information includes a home address<sup>7</sup>(Col 29, Lines 26-31; see also Col 30, Lines 24-39) and a proximal station<sup>8</sup> (Col 30, Lines 24-39) when the member information is registered to a database the retrieval of information available in a predetermine range of

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<sup>7</sup> Please note that the Examiner is interpreting this home address to be either the home resident address of the user or the current location of the user as of where he/she currently is.

<sup>8</sup> Please note that the Examiner is interpreting the proximal station as a range according to the specification of the current application (see page 5, Line 32 through Page 6, Line 4).

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the home address (Col 30, Lines 24-67, specifically Line 55 i.e. which contains the address for the location; and also Line 43-47, i.e. multiple personas; see also Col 32, Lines 45-50, i.e. within distance; see also Col 35, Lines 49-56, i.e. telling a user when a friend is going to be in the same vicinity...using a map...thus telling the user that someone is scheduled to be near him at a particular time; see also Col 35, Lines 15-20, local news; see also Figure No. 22, Element No. 2210, local news<sup>9</sup>)<sup>10</sup>.

Given the intended broad application of the Dahod's system, It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Dahod with the teachings of Fano to include the feature of inquiring about service site relative to the users location or range whether he/she is at home, work or a vacation site to save time and effort in data searching also to maximize the filtering procedures of the search by limiting the region of the search and the area of interest for the user.

Regarding Claim 2, Dahod discloses:

when a user accesses one service site of the service sites through said center site, (Dahod, Figure 7, and corresponding text i.e. "if you are buying" see also "if you are selling")

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<sup>9</sup> Please note that the local news are being delivered base on the user profile information relating to his/her location (range).

<sup>10</sup> Please note that the claim language contains the "at least one" which allow the Examiner to select one of the two predetermined ranges; and even if the Applicant amended the claim to include both limitations, then the Examiner would like to bring the Applicant attention to the situation of Fano (Col 47, Lines 20-30, i.e. nearby stores; and see also 75-100 feet (range).

said center site retrieves the member information of the user from said member information database and sends the member information to said one service site (Dahod, figures 11-12 and corresponding text).

including a search range (Fano, Col 48, Lines 47-63; see also Col 30, Lines 24-67, specifically Line 55 i.e. which contains the address for the location; and also Line 43-47, i.e. multiple personas; see also Col 32, Lines 45-50, i.e. within distance; see also Col 35, Lines 49-56, i.e. telling a user when a friend is going to be in the same vicinity...using a map...thus telling the user that someone is scheduled to be near him at a particular time; see also Col 35, Lines 15-20, local news; see also Figure No. 22, Element No. 2210, local news).

Regarding Claim 3, Dahod discloses classifying (Figure 7, and corresponding text, i.e. seller or buyer).

Regarding Claim 4, the limitations of this claim is similar in scope to both the rejected claims 1 and 2, above. In addition, Dahod discloses member ID (Figures 3,7 and 10, i.e. user name).

Regarding Claim 5, Dahod discloses when a user makes an action at one service site of said plurality of service sites (Figure 6 and corresponding text)

said one service site sends information concerning said action of the user to said center site (Col 5, Lines 59-62).



Regarding Claim 6, Dahod discloses updates the member information of the user in said member information database by using said information concerning said action of the user (Col 7, Lines 29-39, i.e. new posting; see also automatically sends an email).

Regarding Claims 8-10, Fano discloses:

an action information sending part sending information concerning an action of a user to update said member information database when the user performs the action (Figure No. 18 and corresponding text; see also Col 33, Line 64 through Col 34, Line 11);

member information of said member information database is updated (Figure 18 and corresponding text; see also Col 34, Lines 2-9

member information includes a home address<sup>11</sup>(Col 29, Lines 26-31; see also Col 30, Lines 24-39) and a proximal station<sup>12</sup> (Col 30, Lines 24-39) when the member information is registered to a database the retrieval of information available in a predetermine range of the home address (Col 30, Lines 24-67, specifically Line 55 i.e. which contains the address for the location; and also Line 43-47, i.e. multiple personas; see also Col 32, Lines 45-50, i.e. within distance; see also Col 35, Lines 49-56, i.e. telling a user when a friend is going to be in the same vicinity...using a map...thus telling the user that someone is scheduled to be near him at a particular time; see also

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<sup>11</sup> Please note that the Examiner is interpreting this home address to be either the home resident address of the user or the current location of the user as of where he/she currently is.

<sup>12</sup> Please note that the Examiner is interpreting the proximal station as a range according to the specification of the current application (see page 5, Line 32 through Page 6, Line 4).

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Col 35, Lines 15-20, local news; see also Figure No. 22, Element No. 2210, local news<sup>13</sup> )<sup>14</sup>.

Fano discloses all of the claimed subject matter set forth above, except it does not explicitly indicate service sites and center cites. However Dahod discloses center site (figure 1 and 3 and corresponding text); and service site (Figure 5 and/or Figure 9 and corresponding text; see also Figure 7, and corresponding text i.e. "if you are buying" see also "if you are selling").

Given the intended broad application of the Fano's system, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Fano with the teachings of Dahod to direct the communication through center and service sites as in the Internet with a website (center site) and a plurality of subscribers (sellers and/or buyers) as the service sites in order to provide a system that inexpensively and efficiently connecting buyers and sellers of products and services (Dahod, Col 2, Lines 15-18).

26. Claim 13, is rejected under 35 U.S.C. 103(a) as being unpatentable by Andrew Fano (U.S. Patent No. 6,317,718 and Fano hereinafter).

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<sup>13</sup> Please note that the local news are being delivered base on the user profile information relating to his/her location (range).

<sup>14</sup> Please note that the claim language contains the "at least one" which allow the Examiner to select one of the two predetermined ranges; and even if the Applicant amended the claim to include both limitations, then the Examiner would like to bring the Applicant attention to the situation of Fano (Col 47, Lines 20-30, i.e. nearby stores; and see also 75-100 feet (range)).

Regarding Claim 13, Fano discloses:

creating a search expression passed on each specific institution around a current location of a user (Col 47, Lines 20-56);

providing information corresponding to the specific institution around a current location of a user (Col 47, Lines 20-56);

changing a search condition based on a moving speed of a user (Col 47, Lines 20-56; specifically Col 48-50, i.e. closest store; see also Col 40, Lines 9-12, i.e. fast)<sup>15</sup>;

when the user moves, information related to super markets (Figure No. 27, i.e. other stores not showing in the user's view) and stations along a moving direction is excluded (Col 49, Lines 10-35, specifically Line 10 and 25-27; see also, i.e. travel and restrict itself (exclude).

Fano discloses all of the claimed subject matter set forth above, except the reference does not explicitly indicate traveling by train. However, the Examiner takes Official Notice that traveling by train is notoriously well known. Given the intended broad application of Fano's reference, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Fano by indicating a specific type of transportation, for example a train, instead of traveling by foot as implied by Fano to cover a larger geographical area which leads to increasing the system usage by additional users and an increase in the financial benefits.

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27. Claim 18, is rejected under 35 U.S.C. 103(a) as being unpatentable by Yasuhiro Monde (U.S. Patent No. 6,356,839 and Monde hereinafter) in view of Andrew Fano (U.S. Patent No. 6,317,718 and Fano hereinafter).

Regarding Claim 18, Monde discloses  
providing information suitable for a weather condition of a user by changing a search condition based on the weather condition (Figure 1, and corresponding text);  
weather condition shows a fine day (Figure No. 7 and corresponding text, i.e. fair);  
information available in a distance by a car (Figure No. 7 and corresponding text); and  
weather condition shows a rain day (Figure No. 7 and corresponding text).

Monde's reference discloses all of the claimed subject matter set forth above, except the reference does not explicitly indicate Information provided on foot at a higher priority, online shopping information, delivery service information at a higher priority. However, Fano discloses:

Information provided on foot (Col 48, Line 64 through Col 49, Line 9, i.e. walking);  
higher priority (Col 14, Lines 5-19, i.e. the results are also ranked);  
online shopping information (Figure No. 27 and corresponding text);

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<sup>15</sup> Please note that the combination of the "fast" and the "closest" reads on the limitation of "a moving

delivery service information (Col 1, Lines 45-48; see also Col 33, Lines 54-59); and

higher priority (Col 14, Lines 5-19, i.e. the results are also ranked).

Given the intended broad application of monde's system, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Monde with the teachings of Fano to give higher priority (higher score or ranking) to certain type of results based on a condition (such as the weather) and the reason would be to increase the system flexibility or to add convenience to the user by providing extra information that leads to allow the user to make better decisions and to save time.

***Points of Contact***

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (703) 305-1950. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at our fax number (703) 872-9306.

Hand-delivered response should be brought to the Customer Service Window of the Randolph Building at 401 Dulany Street, Alexandria, VA 22314

*Haythim J. Alaubaidi*

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Patent Examiner  
Technology Center 2100  
Art Unit 2161  
February 4, 2005

  
**FRANTZ COBY**  
**PRIMARY EXAMINER**